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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional)	
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	10/797,725	March 11, 2004	
	First Named Inventor		
	KLOMP et al.		
	Art Unit	Examiner	
	2851	Kevin C. Gutierrez	
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <p><input type="checkbox"/> applicant/inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input checked="" type="checkbox"/> attorney or agent of record. 47,418 Registration number _____</p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____</p> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p> <p><input type="checkbox"/> *Total of _____ forms are submitted.</p>			

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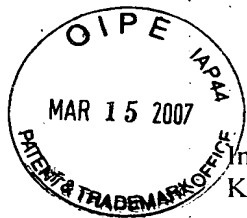
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March 15, 2007

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of:
KLOMP ET AL.

Confirmation Number: 4128

Application No.: 10/797,725

Group Art Unit: 2851

Filed: March 11, 2004

Examiner: Kevin C. Gutierrez

Title: LITHOGRAPHIC PROJECTION ASSEMBLY, LOAD LOCK AND METHOD FOR
TRANSFERRING OBJECTS

COMMENTS IN SUPPORT OF PRE-APPEAL BRIEF REQUEST FOR REVIEW

Claims 1-22 stand rejected under 35 U.S.C. §103(a) are being unpatentable over del Puerto et al. (U.S. 2003/0082466) in view of Fuse et al. (U.S. 5,217,501). As discussed in further detail below, claims 1-22 are patentable over del Puerto et al. in view of Fuse et al., because a *prima facie* case of obviousness has not been established by the Examiner.

As clearly discussed in MPEP §2143, one of the three basic criteria that must be met to establish a *prima facie* case of obviousness is that “there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings” and that the teaching or suggestion to make the claimed combination must be found in the prior art, not in applicant's disclosure. See MPEP §2143, citing *In re Vaack*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). In addition, “The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination.” See MPEP §2143.01 (emphasis in original).

As discussed in Applicants' response to the Office Action dated June 30, 2006, a *prima facie* case of obviousness has not been established by the Examiner, because there is no motivation to combine the references in the manner that the Examiner has proposed, because such a combination would change the principle of operation of the prior art invention being modified.

Independent claim 1 recites a lithographic projection assembly that includes, *inter alia*, at least one load lock that comprises a load lock chamber which is provided with at least two mutually distinct object supports, each object support being configured to individually support the object. Dependent claims 2-21 depend from claim 1.

Independent claim 22 recites a lithographic projection assembly that includes, *inter alia*, at least one load lock that comprises a load lock chamber which is provided with at least two mutually distinct object supports, each object support being configured to individually support the object.

The primary reference used by the Examiner to reject that claims, del Puerto et al., discloses a lithography system (100) that includes two alignment load locks (104, 105), a wafer exchange chamber (106), a patterning chamber (111), and a holding load lock (114). *See* del Puerto et al. at [0030]-[0034]. Each of the alignment load locks (104, 105) is configured to perform an alignment of the wafer that enters the alignment load lock from a track (101). *See* del Puerto et al. at [0031], and [0039]-[0047]. Each alignment load lock is used to complete alignment and chucking tasks while the pressure is being changed in order to increase throughput of the apparatus. *See* del Puerto et al. at [0031]. The specific configurations of the alignment load locks (104, 105) are illustrated in FIGs. 2A and 2B, and are described by paragraphs [0039]-[0047] of the specification. As described, a camera (202) is mounted near the top of the load lock to assist in the alignment process, and in order for the alignment to occur, the wafer should be in the field of view of the camera. *See* del Puerto et al. at [0040].

As argued by Applicants in the Amendment filed on September 28, 2006, there is absolutely no suggestion in del Puerto et al. that two object supports may even be used in a single alignment load lock at the same time as claimed. Specifically, del Puerto relates to alignment, and therefore there would not be any reason (or desire) to complete two alignments on two different wafers within the same alignment load lock, hence the reason for del Puerto disclosing two separate alignment load locks. Moreover, del Puerto et al. specifically states: "The present inventors have discovered that by including alignment and chucking features within alignment load locks 104, 105, overall system throughput can be greatly enhanced." *See* del Puerto et al. at [0031].

Although the Examiner has conceded that del Puerto does not disclose "a load lock chamber which is provided with at least two mutually distinct object supports, each object support being configured to individually support said object," *see* Office Action dated December 15, 2006, at page 4, lines 7-9, the Examiner has used Fuse et al. to fill in this missing feature. However, Fuse et al. merely teaches the use of wafer stockers (71, 72) that are capable of stocking a number of wafers (20) within a load lock chamber (44). *See* Fuse et al. at col. 4, lns. 26-28 and FIG. 2.

Applicants respectfully submit that one of ordinary skill in the art would not be motivated to put the wafer stockers (71, 72) of Fuse et al. within the alignment load locks (104, 105) of del Puerto et al., because such a combination would not allow for the alignment process to be completed within the alignment load locks (104, 105) as described by del Puerto et al. Simply put, providing the wafer stockers of Fuse et al. within the alignment load locks of del Puerto et al. would change the principal operation of del Puerto et al. See MPEP §2143.01 ("If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious.").

In conclusion, Applicants respectfully submit that the Examiner has pieced together two references without having the requisite motivation to do so. The combination simply makes no sense in view of the del Puerto et al. reference itself. In view of the foregoing and the entire record, Applicants respectfully submit that independent claim 1 and the claims that depend from claim 1, which include additional advantageous features, and independent claim 22 are patentable over del Puerto et al. in view of Fuse et al. because a *prima facie* case of obviousness has not been made by the Examiner, and respectfully request that the rejection to claims 1-22 be withdrawn.

Respectfully submitted,

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